



Policy Seminar | 19th of September 2012 | Mamba Point Hotel

Elections Law Reform

The Need For A Sustainable Democracy

R E P O R T



Introduction

This report summarizes presentations made during and discussions from NDI’s policy seminar on Elections Law Reform held on September 19, 2012.

The purpose of the seminar was to increase the level of knowledge among members of the Liberian Legislature about potential Elections Law reforms, so that members become more aware of the related policy implications and can be more effective in their examination and debate of the proposed reforms. The seminar was also designed to stimulate discussion between members of the Legislature, the Executive and civil society organizations.

This report is available upon request in a digital version. Please contact Nannoh Seekey: nseekey@ndi.org, tel 0886 511 758.

October 2012
 NDI – Liberia

Contents

The contributions of Olufunto Akinduro and Josiah Joekai are, with their permission, copied from their powerpoint presentations, while the contributions of Gabriel Smith and Jewel Howard-Taylor are, with their permission, copies of their delivered texts. The summary of the discussion is edited by NDI.

| | |
|---|---------|
| <i>Olufunto Akinduro, Electoral Institute for Sustainable Democracy in Africa (EISA)</i> Electoral Reforms in Post-Conflict Democracies: Suggestions for Liberia | page 3 |
| <i>Representative Gabriel Smith</i> Electoral Reforms in Post-Conflict Democracies: From the Liberian Perspective | page 7 |
| <i>Senator Jewel Howard-Taylor</i> Elections Law Reform: Critical Decisions Have to be Made | page 9 |
| <i>Josiah Joekai, Jr, National Elections Commission</i> Elections Law Reform: to Contribute to a Sustainable Democracy | page 11 |
| Elections Law Reform: Summary of the Discussion | page 13 |
| Panel Discussion: Political Parties and Elections Law Reform | page 14 |
| Program of the policy seminar | page 16 |
| List of participants | page 18 |

| | | |
|---|---|---|
|  |  |  |
| <p>This publication is made possible by the generous support of the American people through the United States Agency for International Development (USAID) under Award No. 669-A-00-09-00070-00. The opinions expressed herein are those of the authors and do not necessarily reflect the views of USAID or the United States Government.</p> | | |

Electoral Reforms in Post-Conflict Democracies: Suggestions for Liberia

Olufunto Akinduro

*Programme Officer, Elections and Political Processes –
Electoral Institute for Sustainable Democracy in Africa
(EISA)*



Features of a post-conflict democracy

Post-conflict democracies

A post-conflict state is a deeply divided state and society characterised by:

- Breakdown of infrastructure.
- Internally displaced persons.
- High number of returning refugees and refugees living in the diaspora.
- High level of international presence and assistance.
- High levels of mistrust between political stakeholders.
- High levels of conflict-related trauma among the civilian population.
- Weak state institutions.

Importance of electoral reforms in a post-conflict democracy

Electoral reforms in post-conflict democracies

- In a post-conflict democracy, the Constitution-making process and holding of elections are crucial elements of the peace-building process.
- Post-conflict elections in most cases are held under special arrangements of the peace agreement.
- However, when the Constitution comes back into force, the question then is: does the Constitution as the legal framework provide sufficient, inclusive, and legitimate regulations to guide the contest for power?
- Elections are contests for power and are therefore inherently conflictual. The legal framework regulating elections is therefore crucial in ensuring that contests are satisfied with the conduct and outcome of the elections.
- Constitutional and electoral reforms in post-conflict democracies are important because they are elements of the post-conflict peace-building process.
- Electoral reforms are proposals made to address challenges experienced in previous elections and improve future elections.
- Electoral reform is an important element of the continuous internal negotiation and improvement process after prolonged conflict.

Issues to consider in post-conflict electoral reforms

Electoral reforms in a post-conflict democracy should:

- Identify and address the sources of division, exclusions and conflict (e.g. political, ethnic, religious, etc).

- Identify whether these divisions and exclusions are reflected in the political party system.
- Prioritise dialogue and consultation with all parties and relevant stakeholders in the reform process.
- Consider ways of addressing these divisions and exclusions in the design of the electoral system and in the electoral management process.

Some issues for electoral reforms in Liberia

- Harmonisation of the legal framework for elections.
- Review of party and campaign finance system.
- Appointment, composition and independence of NEC.
- Improved framework for stakeholder consultations on electoral issues.
- Framework for complaints and appeals.
- Constitutional issues: terms of office, constituency delineation, an alternative electoral system, etc.

Electoral reforms in Liberia and case studies from Africa

Harmonisation of legal framework

The legal framework for elections in Liberia is contained in a number of documents: the constitution, the New Elections Law and a number of guidelines and codes of conduct. These documents need to be harmonised in the following ways: constitution providing for general issues, the elections law providing more details on election administration and the guidelines and codes providing details specific to the technical conduct of each election. Liberia could draw from the experience of Nigeria in this area. In Nigeria, electoral reforms over the past 10 yrs (2001-2011) have streamlined and harmonised the framework for elections along these lines and clarified issues that led to disputes. Other expertise to draw from include the proposals put forward by the EU expert mission on harmonizing the legal framework.¹

Appointment, composition and independence of NEC

The NEC Board and its Executive Director are currently appointed by the President with consent of the legislature. In a deeply divided society such as Liberia where ethnic and political affiliations are key considerations, it is important that the composition and mode of appointment of the commission should be designed in a manner that would engender trust across these lines of division. Liberia could draw from Malawi and South Africa's experience in this area to address this issue.

- Some countries have an Electoral Management Body (EMB) that are composed by party and civil society representatives. E.g. The recently reconstituted Malawi Electoral Commission.
- Some countries have EMBs recruited through a public process e.g. South Africa where positions are publicly advertised and the recruitment process is open to public inputs.

Review of party and campaign finance system

There is currently no state-funding of parties in Liberia. Though the legal framework provides ceilings on expenditure and empowers NEC to regulate party and campaign finance, it is not clear on the details of how NEC would do this. The framework is however not explicit in its demands on disclosure by parties. It also is not clear on provisions on use of state resources. It is important to note the use of money in politics is central to the creation of a level playing field in an election. In a post-conflict democracy, where access to resources is largely uneven and the state is the main source of resources, it is important to create a platform of equitable access. Examples for how to address this

¹ European Union: Electoral Expert Mission for the Forthcoming Elections in Liberia, Final Report, January 2012; the recommendations of this report are included in the Reader of the policy seminar.

issue can be found in Africa. A number of African countries provide state funding along different lines, some provide an equal amount to all registered parties to support the operations of the party and provide campaign funds in proportion to the number of seats held by parties in parliament. (e.g. Uganda, South Africa). Uganda has provisions that clarify the use of state resources such as vehicles by officials of the state during campaigns. Though the Ugandan case may not be best practise, Liberia could draw on the need to clarify on the use of state resources during campaigns.

Improved framework for stakeholder consultations on electoral issues

Currently, the NEC's relations with parties is guided by the code of conduct . The framework of the Inter-Party Consultative Committee (IPCC) also provides a mechanism for consultation. During the 2011 elections, the political deadlock that followed the announcement of the results of the first round and boycott of the runoff elections were unfortunate, but they also draw attention to the need for improvement in consultations and dialogue by NEC. Nigeria and Ghana are examples of countries who have developed mechanisms to mitigate political deadlock. These mechanisms were used during the 2008 Ghanaian elections and the 2011 Nigerian elections.

Framework for complaints and appeals

The current framework for election dispute resolution provides a starting point of complaints and the Judiciary for appeals. During the 2011 elections, there was a challenge with the timelines provided for announcement of results and the filing and resolution of complaints. A number of observer groups recommended a review of the timelines to provide enough time for complaints to be resolved before the runoff elections. There were also proposals for the setting up of constitutional courts for resolution of disputes.

South Africa is a comparative example that Liberia could draw from. South Africa adopted the use of alternative dispute resolution mechanisms such as mediation for the resolution of election-related conflicts. The country also has an Electoral Court responsible for resolution of cases contesting election results and infringement of the code of conduct. These mechanisms have proven to be timely and effective. In the case of Liberia, it is important to note changes to this area of the law would require constitutional amendments but on the short term, the NEC could consider the establishment of Conflict Management Panels which would involve parties and CSOs.

In Nigeria the timelines for cases to be filed was reviewed in the 2010 electoral reform process. Liberia could draw lessons from Nigeria's unfortunate experiences in 2003 and 2007. There were cases that dragged on for over 3 years and the mandate was only restored a few months to the next election. To remedy the situation, a clause was included in the amended Electoral Act requiring cases to be determined within 180 days.

Constitutional issues: alternative electoral system

Following the outcome of the 2011 referendum, a number of constitutional issues remain outstanding e.g. the 10 year residency clause, terms of office of elected officials, delination of constiuencies, an alternative electoral system, etc. There is need to commence a national debate around these issues, especially considerations for an alternative electoral system that would provide for wider representation of parties, women and minorities. Lesotho and South Africa are examples of countries that have designed electoral systems to address deep divisions in a post conflict democracy. South Africa adopted a Proportional Representation system and Lesotho a Mixed Member Proportional electoral system.² Uganda and Tanzania, on the other hand, did not adopt a Proportional

² Mixed-member proportional representation, is a voting system originally used to elect representatives to the German Bundestag, and nowadays adopted by numerous legislatures around the world. MMP is similar to other forms of proportional representation (PR) in that the overall total of party members in the elected body is

Representation system, but developed mechanisms for the election of special groups such as women, youth, persons with disability, trade unions under the First Past The Post system.

In line with the Constitution, constituencies should be defined in line with recent census figures. This was not the case in 2011. In a post-conflict setting like Liberia with an ongoing resettlement process, it is important to consider, over the coming years, the conduct of a national census and the development of a civil registry. This needs not be an expensive undertaking. Lessons can be drawn from Ghana.

Suggestions for Liberia

NEC:

- Undertake consultations with other electoral commissions (which was recently done in South Africa)
- Set in motion the dialogue platform with political parties and CSOs and ensure that it works effectively throughout the electoral cycle as opposed to only during the elections. Such a platform would also be useful in the electoral reform process.

Role of CSOs

- Commence discussions with relevant legislative committees, political parties and NEC on areas of reform.
- Develop a harmonised CSO roadmap on electoral reforms taking into consideration long-term and immediate reform needs.
- Identify legislators who would be willing to engage with civil society on electoral reforms.
- Undertake research and analysis on electoral reform issues to provide information to legislators to enable them make informed decisions.
- Mobilise citizens' participation in the reform process, specifically support a citizens driven electoral reform process.
- Undertake civic education for citizens to understand the reforms.

The legislature

- Relevant committees should commence deliberations with NEC, NEC technical partners and CSOs on electoral reform.
- Set timelines for possible constitutional amendments ahead of the next general elections and work with relevant stakeholders to implement these reforms.
- Commence grassroots level deliberations on Constitutional and electoral reforms with constituents.
- Draft harmonized election legislation taking into consideration the many guidelines and codes of conduct. Such a bill should be drafted with inputs from NEC, the Judiciary, CSOs and political parties.

Parties outside parliament:

- Conduct civic education to enlighten Liberians on the need for reforms and support a citizen driven reform process.
- Engage with NEC on electoral reforms.

intended to mirror the overall proportion of votes received; it differs by including a set of members elected by geographic constituency who are deducted from the party totals so as to maintain overall proportionality.

Electoral Reforms in Post-Conflict Democracies: From the Liberian Perspective

*Representative Gabriel Smith
Chair of the House Committee on Elections & Inauguration*



Following many years of what was referred to as a relatively "peaceful state" on this West Coast of Africa, Liberians experienced a rude awakening beginning in 1979 with the Rice Riot and consummating with a bloody civil conflict that spanned the later parts of the 80's much into the 90's and beyond. Even though this unfortunate trend of events had roots in a combination of factors, it is evident that the conflict was anchored in the crises of participation and distribution.

Many years of social, political and economic disparities reverberated in the violent overthrow of President Tolbert in a military coup led by Samuel K. Doe. A militarily influenced election was organized in 1985.

The conflict generated by that election led to a build-up of tension that eventually gave birth to both the Quionwonkpa invasion and the civil war of 1989 led by Charles G. Taylor. That civil war and its attending circumstances have been classified as one of black Africa's bloodiest conflicts.

As a conflict resolution mechanism, the world rallied around us, in 1997, to conduct what was labelled as the first popular elections held under a proportional representation system with all of its inadequacies. The election which was won by Charles Taylor, did not play the trick for a settlement of the conflict as, about two years later, another group of Liberians took to the bush, dissatisfied with the outcome of the 1997 elections results.

Having assumed the status of a 'trouble child' on the West Coast of Africa, our West African brothers led by the Federal Republic of Nigeria and supported in part, by Western governments, sponsored many peace conferences with the ultimate aim of finding an amicable settlement to the conflict. Again, we resorted to the holding of elections as a way of mitigating the prolonged conflict. But even long before those elections were conducted, contentions had mounted within the population as to the right chemistry that would go into forming the election management body and the rules that it would formulate to deliver a result to be seen as credible. Howbeit, two successive elections have taken place within an environment that is largely viewed by our international partners and some local observers of Liberia's political trend, as 'peaceful, transparent and credible' while others, mainly within the opposition community, have laid various claims of unfair dealings on the part of the National Elections Commission (NEC).

Some of the claims are anchored in the following:

1. The alleged partisan posture of some Commissioners of the NEC, particularly, its former Chairman.
2. The alleged infusion of the names of ruling party operatives on the listing of election workers, thus serving as an incentive for the ruling party.
3. The dual role of the NEC, serving both as referee and player in cases involving itself and other parties.

4. The appointment, by the President, of members of the Commission. However constitutionally grounded it may be.
5. The inadequacy of records of the counts, and, in some cases, the alleged refusal by NEC, to display those records for viewing by party agents before the start of polling, among others.

Elections are contentious undertakings and, by extension, a potential recipe for violent conflict. Its administration must therefore be viewed within the wider context of ensuring domestic peace and stability which are essential ingredients for increased national progress. Being so, it is important that the processes leading to the conduct of elections must have a buy-in from most, if not all, principal stakeholders. Within the parameter of democracy, political parties, civil society organisations, and other forms of interest and pressure groups are undisputed partners in conceiving, planning and the administration of elections.

I therefore consider as very important the topic, Elections Law Reform in a post-conflict Democracy, as it portends a clear perspective of what happens to our country in the next months and years down the road to elections in 2014 and 2017, respectively.

Judging from the description of election-related conflicts as I enumerated earlier coupled with our recent experience of threats of violence in the aftermath of the 2011 general and presidential elections growing out of claims listed above, I am convinced that the success or failure of elections in 2014 and 2017 will be contingent on an objective consideration of the real and perceptual issues that have always surfaced before, during and after the electioneering period.

As a democracy that is in transition, we must, with the passing of each election, make it a point of duty to institute the necessary reform in our electoral laws so as to address observed shortcomings. May I, therefore, tailor my intervention to consider the following critical matters.

A. Appointment of commissioners of the NEC

Public perception of individuals serving on the NEC continues to be that being appointees of the president, they are bound to remain beholden to the president. And, as the president may be an interested party in the outcome of the elections, the results are likely to be manipulated to suit the desire of the appointing authority.

I propose, therefore, a reform that favours a new method of selecting members of the NEC. One of two options would suffice:

1. A commission that comprises a body, of retired eminent jurists vetted by the National Bar Association. They would elect/select one of their peers to head the NEC.
2. A commission that draws three representations from the political parties, using an agreed procedure. Two representations from civil society organizations and three from the religious community.

B. Establishment of an election court

It is inconceivable that the elections commission would serve both as referee and player. As is done in other jurisdictions, Liberia should effectuate the necessary legislation to bring into being a court that will specifically deal with election matters.

C. Financial Autonomy for the NEC

Until the NEC begins to have autonomy over its own funds, manipulations and bureaucratic button neck will continue to mar its existence as a body that must remain independent in the discharge of its functions. I therefore recommend that the budget of the NEC be removed from the influence of the Ministry of Finance. In any case, however, the books of the NEC should always be available for audit by the General Auditing Commission.

Elections Law Reform: Critical Decisions have to be made

*Senator Jewel Howard-Taylor
Chair of the Senate Committee on Autonomous
Commissions and Agencies*



It is clear that there are as many ideas, proposals, suggestions and formulas as there are people in this hall. I am happy to say that regardless our diversity, specific reforms issues will form a part of our new laws. These reforms have been categorized in three areas by NDI's policy seminar document:

- Essential Reforms for the provision of a conducive framework for a democratic electoral system.
- Important Reforms for improving the quality of the electoral process.
- Subsidiary Reforms to smoothen the electoral process.

All these three categories are needed to create a holistic democratic system, because they are all interlinked in such a way that makes it impossible to prioritize one without taking conveyance of and using the others.

We must put all of our ideas on the table to seek out the best way forward and then in agreement implement them.

A. Essential Reforms

That all laws relating to the electoral system be harmonized to provide laws that are equitable, fair, independent and promotes access to the Rule of Law:

1. The full independence and adequate funding for the National Elections Commission, for the pre-election, elections and post-elections process.
2. Strengthening elections laws that provide for effective, transparent and democratic accountability and oversight and ensure democratic political representation and participation by all citizens, to include marginalized groups.
3. Supporting measures that promote equal participation of both men and women; and the provision of equal opportunities for all; especially the full participation and representation of women.
4. The enactment of laws in a timely manner, so as to inform the electorate so that there are no ambiguities or misinformation that should provide an environment for conflict.
5. The institution of a continuous civic education program at all levels, in order to sustain our democracy

B. Important Reforms

1. To promote the freedom of association, unhindered movement of persons; freedom of opinion to include artistic and cultural expressions and independent media; unimpeded access to information and measures to combat administrative obstacles to the exercise of these freedoms.

2. Reform political party laws to include financial support from government to all political parties, through a system that provides specific criteria to access funding, strengthening the requirements, deadline and activities for political parties from the pre-election to post-election activities.
3. Improve those laws that are necessary to ensure the registration and voting of people where they live; so as to prohibit the incessant movement of people from their places of residence to areas of non-residence.
4. Ensure that the timeline for political party activities and requirements are completed at least 6 months before elections.
5. Enact laws that prohibit individuals who submit themselves to party primaries and loose; who then contest in the same elections as independent candidates.
6. Enact laws that prohibit elected officials from a particular political party to resign from their party while in the legislature and join another party or become an independent member.

C. Subsidiary Reforms

1. Provide full support to female legislators, before and after election, in order to improve the participation and representation of women in politics and to ensure their fullest participation as members of the legislature.
2. The creation of specific independent groups outside of the political system that monitor the participation of all players in the democratic system, who would recommend guidelines and sanctions for those who disregard elections laws and regulations.
3. The implementation and support of measures that facilitate the peaceful coexistence of interest groups, provide for confidence building, human rights and democratization of our citizenry.
4. The inclusion of an intensive civic education program at all levels of the educational system, in an attempt to improve the ability of all citizens and registered voters to understand, follow through and decide electoral issues.

Once is said ‘that it is in life’s journey that the quality and impact of a life is made’. The process here today is a critical part of the journey, which might not be completed in my life time. But I am sure that the critical decisions that are being made and hopefully implemented within our democratic framework in the next few years, will create a foundation that will hold together our democracy and move our nation and its people to the next level. So that one day Liberia will be a strong democracy again, setting the standards that others either follow or trail.

As I close, please keep in mind that all these reform measures will become reference documents if all parties – national and international – do not determine that they will play their part in enhancing democracy across the world, in such a way that there is equity amongst nations.

Elections Law Reform: To Contribute to a Sustainable Democracy

*Josiah Joekai, Jr.
Special Assistant/ Office of the Chairman of the National
Elections Commission*



Objectives of the Electoral Law Reform

- To ensure that all laws appertaining to elections in Liberia are devoid of impediments to ensure the unhindered operation of the NEC.
- To improve the electoral system thereby engendering sustainable elections management in Liberia.

Legal Framework for Conducting Elections in Liberia

The legal framework for conducting elections in Liberia constitute the following:

- The 1986 Constitution of Liberia
- The new elections law as amended in January 2003 and December 2004
- Guidelines and Regulations
- Codes of Conduct appertaining to elections (Adopted during elections)

Stakeholders Involved in the Electoral Law Reform Process

The following stakeholders are involved with the electoral law reform process at various levels:

- The Law Reform Commission
- Civil Society Organizations
- Political Parties
- National and International Legal Experts
- The National Elections Commission
- The National Legislature

Some Critical Areas to consider in the Electoral Law Reform Process

- Elections financing
- Appointment of Commission's staff
- Voter registration
- Complaints and appeals
- Campaign Finance
- Registration of political parties

Some Public Inputs to the Reform Process Gathered through Public Consultations

Voter Registration

- Almost all the participants suggested that the commission carry out continuous voter registration.
- There were many also who suggested that the commission adopts and use biometric voter registration technology.

- Few suggested that the commission should continue to use the current Optical Mark Reader system since they do not have problems with it. According to them people should register where they reside

Appointment of Commission's Staff

- Almost all of the participants suggested that the Commission should independently appoint its entire staff from executive director down.

Elections Financing

- Almost all of the participants averred that the commission budget should be submitted directly to the legislature and upon approval; the said amount should be remitted directly into the account of the commission on a semi-annual basis.

Hearing Complaints

- Participants generally suggested that an electoral court completely independent of the commission should be established to hear electoral complaints especially those involving NEC as a party.
- Some also referred to such establishment as special panel of judges or enquiry. They also suggested that complaints involving political parties' internal conflicts should be handled by the commission.

Campaign Finance

- Participants overwhelmingly suggested that candidates should not be restricted on the amount of money they use for campaign during elections.
- They however suggested that the fees for candidate registration should be increased per category so as to ensure that those elected are cable of determining matters relating to the resources of the country.

Where did the Public Consultations Take Place and who were the participants?

- Bomi County, Bong County, Margibi County, Grand Bassa County, Grand Gedeh County
- Superintendents; City Mayors; Local and Traditional Leaders; Political Parties Representatives, Civil Society Organizations, Marketing Associations, Transport Unions, Women and Youth Groups

Objectives of the Public Consultations

- To solicit the inputs of citizens in the electoral law reform process.
- To ensure inclusiveness in the electoral law reform process.
- To create awareness on the electoral law reform process.

Next Steps

- The NEC is working with UNDP to organize a conference in October to solicit the inputs of international experts.
- The NEC will work with the Law Reform Commission and consultants to harmonize all of the inputs and subsequently draft an electoral law reform Act.
- The NEC will submit an electoral law reform Act and lobby the Legislature for its passage.

Elections Law Reform: Summary of the Discussion



Electoral System

- Mismanagement of elections leads to violence, on the other hand Charles Taylor was elected according national standards, but this didn't guarantee a peaceful follow-up. *'We have to stop with saying elections were not free and fair when we are dissatisfied with the results'*.
- Electoral Reform is needed to restore trust and confidence in electoral process. Crucial is that the majority is respected and minority protected.
- A sound voter's registration that is regularly updated would improve the electoral process.

National Elections Commission

- An independent electoral process is important. The printing of ballot papers should be transparent and accountable and done by independent organizations. Also the people who are working on elections (polling stations, NEC) should be independent.
- The position of the commissioners of the NEC should be considered -- not only how they are appointed, but also how they can be removed (the hire and fire principle). Some were critical of the idea to involve political parties in the composition of the NEC: *'this doesn't work.'*
- Suggestions were made that outstanding citizens of proven integrity should be appointed as commissioners of NEC.
- To improve the functioning of the NEC, it should be financed independently and control its own budget.
- The reform of the electoral system requires a critical assessment. NEC reflected on the last two elections at the *'Lessons Learned Conference in February 2012'* and held consultations in five counties, but it is still unclear what conclusions NEC has made.

Position of Women

- The position and participation of women should be enhanced by a more equal representation. Some participants were in favor of an electoral framework (quota by law). Others raised the question: *'what to do with the quota when women are not available?'* They proposed to involve women-organizations in the selection of female candidates.
- Women participation is a national issue. The legislature has failed to undertake actions to strengthen the position of women.
- The Women Caucus has to play a more effective role to improve the position of women in the legislature: *'women should take the lead more'*.

Lawmakers

- The way lawmakers behave influences elections. Their mindset should be focused squarely on their roles, less on extending benefits to voters such as paying for hospital bills. This behavior can be characterized as vote buying.

Panel Discussion: Political Parties and Elections Law Reform



A panel of five members debated with each other and the audience on three theses. Members of the panel were:

- Wilmot Paye, Secretary General of the Unity Party
- Nathaniel McGill, Secretary General of the Congress for Democratic Change
- Melee Kermue, Vice Chair Administration of the National Union for Democratic Progress
- S. Ciapha Gbollie, Vice Chair Administration of the National Democratic Coalition
- John D. Gray, Vice Chair Administration of the National Patriotic Party

Thesis 1

On political party registration

Because political parties are the main stakeholders and motivators in the development of a sustainable and pluriform democracy, the registration of Liberian political parties for elections should be relatively easy.

- ‘In past times it was very difficult to register, today it is very easy’. At this moment the constitution demands that a political party has at least five hundred voters in each of at least six counties (art. 78). Some advocated for a higher threshold of voters and/or number of counties.
- Some debated the poor quality of parties and proposed to introduce criteria to register, such as a program. ‘Make it a bit more stiff to register’ as a participant said.
- Parties should be better audited to monitor if they meet the requirements for registration.
- The NEC and legislature should establish a platform for political parties to discuss electoral issues.
- Lawmakers should be restricted from jumping parties.

Thesis 2

On the responsibilities of political parties in the electoral process

Liberia’s political parties have a responsibility to prioritize education of their partisans about the laws, rules and regulatory framework of the nation’s electoral process. This is a pressing priority for all parties, if they are to be true contributors to the goal of credible and transparent electoral processes that are vital to this democracy.

- Almost everybody agreed with his thesis. As someone said: ‘the duty of parties is to institutionalize the constitution and to modernize our democracy’.
- But as a representative of a political party said: ‘we have no discipline, no program, we are not structured; we only work for the power we want.’
- Parties have to institutionalize themselves, to educate partisans, to establish party strategies.



- Parties need to receive training in order to strengthen them. The Legislature should not be the only target of capacity building. The electoral process is a complicated and elections are very important. Parties have challenges and responsibilities in this process and should be supported in this.
- Elections take place in a circle of time. In between, parties should focus on training and education.
- Most participants underlined the need for public funding of parties to realize a stronger party organization with better educated partisans.

Thesis 3

On funding for political parties

Any public funding of political parties should target the strengthening of those parties as democratic institutions. Finances should be limited to strengthening policy making within parties, democratizing their internal structures, and skill training in organizational skills for their partisans.

- Most comments from the floor spoke in favor of public funding of parties – as did the representatives of the parties.
- One said ‘*democracy is important and may cost money, so parties need public funding.*’ And another: ‘*the aim of the elections process is to make elections competitive, to involve ethnic minorities, so you have to invest in parties*’. Another sentiment was: ‘*elections are important; a good politician lives as if there could be elections tomorrow*’.
- Others underlined that any funding should be limited to goals as outlined in the thesis, and not for campaigning during elections: ‘*we should use funding to build institutions and not personalities*’ and ‘*political parties are there not for jobs*’.
- Also the financing of women party branches or party offices in every county to strengthen the local level was mentioned as a desirable goal of funding.
- Partisans should pay for their membership. It is very important to monitor how parties spend money.
- Some saw a relationship between a stronger party and the Legislature: ‘*a stronger party structure benefits the transparency and accountability of how a legislator votes*’.
- Also the competition between parties was seen as a reason for funding, such as the need to create a level playing field and to promote the debate between ideas.
- Many are waiting for this bill, but as one participant said, if this should happen ‘*there should be stiff penalties for offending this law*’.

|  <small>NATIONAL DEMOCRATIC INSTITUTE FOR INTERNATIONAL AFFAIRS</small> | Program of the Policy Seminar on Elections Law Reform | |  |
|---|---|---|---|
| Date and Time: Wednesday, 19 th of September 2012; 9:00am – 4:00pm. Location: Mamba Point Hotel, Monrovia | | | |
| Time | Activity | Presenter/Facilitator | |
| 9:00am – 9:30am | Registration | Participants | |
| Moderator: Lamii Kpargoi | | | |
| 9:45am-10:00am | Introduction of the Seminar | Aubrey McCutcheon Resident Director of NDI | |
| Electoral Reform in Post-Conflict Democracies: Suggestions for Liberia | | | |
| 10:00am – 10:30am | Introduction on Electoral Reform in Post-Conflict Democracies: Suggestions for Liberia | Olufunto Akinduro Electoral Institute for Sustainable Democracy in Africa (EISA) | |
| 10:30am – 11:00:am | Reflection on the Suggestions for Liberia Electoral Reform: What is desirable and possible? | Rep. Gabriel Smith Chair of the House Committee on Elections & Inauguration | |
| 11;00am – 11:30am | Question/Answer and Discussion | Participants | |
| Elections Law Reform What elections law reforms are needed to contribute to a sustainable democracy? | | | |
| 11:30am – 12.00pm | Presentation | Sen. Jewel Howard-Taylor Chair of the Senate Committee on Autonomous Commissions and Agencies | |
| 12.00pm – | Reflection by the NEC | Josiah Joekai, Jr. National Elections | |

| | | |
|--|--|--|
| 12:30pm | | Commission |
| 12:30pm-1:00pm | Question/Answer and Discussion | Participants |
| 1:00pm - 2:00pm Lunch Break | | |
| Political Parties and Elections Law Reform | | |
| 2:00pm-2.40pm Theses 1 <i>On political party party registration</i> | Panel of the chairmen of political parties on three thesis | Wilmot Paye Secretary General of Unity Party |
| 2.40pm-3.20pm Thesis 2 <i>On political parties and the electoral process</i> | | Nathaniel McGill Secretary General of Congress for Democratic Change |
| 3.20pm-4.00pm Thesis 3 <i>Funding of political parties</i> | | Melee Kermue Chair Administration National Union for Democratic Progress |
| | | S. Ciapha Gbollie Vice Chair Administration National Democratic Coalition |
| | | John D. Gray Vice Chair Administration National Patriotic Party |
| 4.00pm - Closing | | |

List of Participants

| | |
|--|--|
| <p>The Senate Sen. John Ballout Sen. Dallas A. V. Gueh Sen. Jewel Howard-Taylor</p> <p>House of Representatives Hon. Matthew M. Zarzar Hon. Robertson N. Siaway Hon. Mary M. Karwor Hon. Mariamu Fofana Hon. Gabriel B. Smith Hon. Francis Paye Hon. Gayah Karmo Hon. Mambu Sonii Hon. Richmond Anderson Hon. Bill Twehway Hon. Bhofal Chambers Hon. Johnson Toe Chea</p> <p>Legislator’s Staff Samuel S. Kun Edwin Miller Harriet D. Goe Gabriel Merchant Abraham Gbeybeh Sam –Sumo Bahber Gondolo V. Steve Tarlo D. Jebboe Edwin Zoludua</p> <p>Staff of the Legislature Edmund T. Wright Jonathan Williams William Dennis Andrew Koinah</p> <p>Executive Branch Elizabeth Sele Mulbah (GC) Ruth Jappah (GC) Josiah Josekin, Jr. (NEC)</p> <p>Political Parties S. Ciaphea Gbollie (NDC) Nathaniel McGill (CDC) Prince Nuose (CDC) Melee Kermue (NUDP) Cornelius Porte (NUDP) Sulek Fofana (CDC) John Gray (NPP)</p> | <p>International Organizations Susanne Mannberg (Kvinna Till Kvinna) Louise Fahnbulleh (USAID) Alex Mintah (IFES) Tomas Niklasson (EU) Kristin Joplin (USAID) Chris Hopfner (German Embassy) Davidetta Lasanah (UNMIL) James Shilue (Interpeace) Charles Lawrence (SIDA) Chiyuki Kozuka (UNMIL) Mikyong Kim (UNMIL) Kuni Ez Blinc (UNDP) Oscar Bloh (SFCG) Charmaine Rodrigues (UNDP) Munyaradizi Motsi (UNMIL)</p> <p>Civil Society Mike Butscher (LMC) Nixon Gblah (LDI) Nelson O. Kandor (WANEP) Ralph N. Harris (CPD) Cllr. Jallah A. Barbu (LRC) Shine G. Williams (CENTAL) Cllr. Willie Barclay (LRC) Alfred H. Wreh (CEMESP) Tenneb Bl Dalieh (CEMESP) Priscilla J. Quiah (LMC) Sayor Wahtoson (CPD) Frank Suku (FLY) Kula Fofana (PAYOWI) Tonia Gibson (LMDI) John Kollie (LMDI)</p> <p>Others Hon. Dusty Wolokollie, former Representative Lamii Kpargo Manita Aryal</p> <p>Media Jackson Fayiah (Kings FM) MW Ciapha (Heritage Newspaper)</p> <p>NDI Aubrey McCutcheon Thomas Du Leo Platvoet Nannoh Seekey Varney Karneh Roland Bias Chris Doten</p> |
|--|--|